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* Please Reply to : HQ Office Only

August 17, 2016

Via ECF

Hon. Vincent F. Papalia
50 Walnut Street
M. L. King, Jr. Federal Building and Courthouse
Newark, NJ 07102

RE: In re: James Kim
USBC-DNJ - Case No.: 16-20275VFP
Motion for Partial Lifting of Stay and to Compel Sale

Your Honor:

This office represents creditor Moon Sook Kim in this matter.

We join in the motion made by David Lorenzo, and supported by the Receiver, Philip N. Boggia, Esq.

The civil court has issued an order compelling the sale of the liquor license, as required by the contract between my client and the debtor. The bankruptcy filing, as argued in the motion, is an inappropriate delay of performance. Accordingly, the liquor license should be sold. The proceeds should be paid from the Receiver's escrow to Moon Sook Kim, to fulfil the contract. Alternatively, the Receiver should retain the funds in escrow pending the dismissal of the bankruptcy.

Our client has a superior priority as a judgment creditor who has enforced his rights. In addition our efforts to enforce the sale of the license began well in advance of the 90 day preference period.

Sincerely,
s/Ari Jacobson
M. Ari Jacobson, Esq.
Stacey Chung, Esq.

C: all parties via ECF